UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Ernesto CASTRO-Espinoza,** Defendant	Magistrate Docket No. '08 MJ 1831
	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **June 11, 2008** within the Southern District of California, defendant, **Ernesto CASTRO-Espinoza,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY OF JUNE, 2008

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Ernesto CASTRO-Espinoza

PROBABLE CAUSE STATEMENT

On June 11, 2008, Border Patrol Agent C. Rodriguez was performing his assigned duties in Boulevard, California. Agent Rodriguez observed five individuals trying to conceal themselves in some brush approximately 75 yards north of the United State/Mexico boundary. This area is approximately 25 miles east of the Tecate, California Port of Entry.

Agent Rodriguez approached the group and identified himself as a Border Patrol Agent and conducted an immigration inspection. All five, including one later identified as the defendant **Ernesto CASTRO-Espinoza**, admitted to being citizens and nationals of Mexico without any immigration documents allowing them to be or remain in the United States legally. At approximately 9:15 a.m. the defendant and the rest of the group were arrested and transported to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 16, 2007** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.